

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
May 5, 2003 7:00 PM**

PRESENT: Brian C. Warburton, Chairman, Virginia Bridle,
William Sullivan, James A. Workman, Cliff Pratt
James S. Barrington, Town Manager
Karen Anderson, Administrative Assistant

PUBLIC HEARING – The Board of Selectmen held a public hearing to take comments on the acceptance of a memorial for the Victims of September 11, 2001.

Mr. Warburton explained that an anonymous couple has come forth to donate a memorial plaque as part of a memorial for September 11, 2001. There were no comments from the public. The Board noted their favor of the project and appreciation to the donors. Mrs. Bridle suggested that the Town hold a candlelight vigil at that site next September 11th.

Mr. Pratt MOTIONED that the Board accept the donation for the memorial to the victims of September 11, 2001.

Mrs. Bridle SECONDED

VOTE: UNANIMOUS FOR

I. SALUTE TO THE FLAG

II. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Mr. Sullivan expressed the Board of Selectmen's condolences to the family of John Chase. John was a heavy equipment operator at Public Works for 43 years and was very dedicated to the Town of Hampton.

The public was reminded that May 10th is the Annual Household Hazardous Waste Collection at 136 Winnacunnet Road.

Mrs. Bridle noted that May 10th is the letter carriers annual food drive and residents were urged to provide non-perishable items for collection on that date.

Mrs. Bridle told the Board that on May 24th at WHS there will be "Sounds of Solidarity", a musical event and silent auction to benefit the Parkinson's Foundation.

III. APPOINTMENTS

1. The Merton Group, Re: Municipal Fiber Optics

Mr. Warburton said that there has been a lot of information recently about municipally owned fiber optics. Mr. Archie Typadis and Mr. Terry McGarty representing The Merton Group were present.

Mr. McGarty explained that municipal broadband is an optical fiber network owned by the town that uses existing telephone poles. The town does not get into the role of providing cable television or Internet services, the town becomes the access point for service providers. Mr. McGarty told the Board that there are over 400 towns and cities throughout the United States that have done this, and fiber broadband service to the homes is much faster than the DSL service that is currently available through service providers such as Verizon. The Merton Group is willing to work with the town and do a feasibility study at their cost to determine if the community will support a municipally owned network and if there would be the revenue to support the network. The Merton Group will put together a financial model to determine the risks to the town and present the results to the Board of Selectmen. At that time, if the Board believes it is worth pursuing, the second step of explaining the advantages and risks to the public will begin. Within 10-11 weeks the feasibility study would be complete and the Board will see the costs involved to build the system, the potential revenue, review the regulatory issues and decide what the next step would be.

Mr. McGarty told the Board that the towns of Hanover and Merrimack are at the stage of issuing non-binding RFP's to the providers in preparation for their financing applications.

Mr. Pratt asked if this has been set up in any town at this point. Mr. McGarty said that the first town that they will be building out is Princeton, Massachusetts and that will begin in about 3 months. The second one will be Belmont, Massachusetts and the third more than likely will be Hanover, New Hampshire. Mr. Pratt asked how they think wireless is going to effect this. Mr. McGarty said that is an area he has thought a lot about because there are advantages and disadvantages to wireless. He explained that most of the wireless services available now are shared spectrum systems and the difficult problem is getting the right spectrum through the FCC. Mr. Pratt asked where fiber optics will be in ten years. Mr. McGarty said that fiber has been fairly stable and long-lived when it is in place and the flexibility with the system is the electronics.

Mrs. Bridle said that this is an interesting proposition, but she is not sure if this is the time for Hampton to consider it due to all of the projects currently going on. Mr. Sullivan said that he would be in favor of the feasibility study and asked as a consumer, why a person would want to leave Comcast and go to an unknown entity. Mr. McGarty said that from the town's perspective it is a revenue opportunity and for the end user it is an economic advantage, because they will get a better product for a smaller cost. Mr. Sullivan asked how many different cable hardware plants do the utilities have to provide access for. Mr. McGarty said that the FCC requires that access be provided to any provider and the fee is nominal; the biggest cost is the "make ready" costs if space needs to be made on the poles and the length of the drops required. He added that those are two factors that are looked at early in the study to see if it is feasible.

Mr. Workman said that Hampton is very unique with a stable population and a large seasonal population and he asked how that would be factored in. Mr. McGarty said that he did not know how those dynamics will be addressed yet. Mr. Workman asked what the annual maintenance costs would be for the hardware. Mr. McGarty said that the maintenance is typically a couple percent of the capital associated with the plant itself.

Mr. Warburton said that he envisioned the business community being very interested in this type of thing. He added that he would be interested in having the study done and he commended the representatives on their presentation. Mr. Warburton asked if the town were to go forward with this feasibility study how long before the initial information would be available. Mr. McGarty said that it would be approximately three weeks for the engineering study to be completed and discussion would begin on the market research questionnaire. It would take about three months for the complete feasibility study. He noted that communication about this process is extremely important and they have learned that they need to be very active in this. Mr. Warburton said that the market research is a pivotal point for the town to determine if this will help the community in the present and in the future.

Mr. Warburton asked the Board if they wanted to go forward with the feasibility study and if the current Cable Committee would be the study group. Mr. Sullivan said that he would like to think about this for a week and have the Board discuss it under Old Business next week. Mr. Sullivan said that as long as the town's staff does not have to commit any time to it he would be in favor. Mr. Workman said that there was a lot of information presented and he would like to think about it for a week. Mr. Pratt said that he is in favor of it and he encouraged anyone who may be interested in serving on such an advisory committee to contact any of the Board members. Mrs. Bridle asked how much contact they would be expecting to have with the Town Manager. Mr. McGarty said that they would expect to have 3-4 meetings of about 1 hour each, over the next three months. Mrs. Bridle said that she would be very interested in hearing from residents that are willing to sign up and work on the committee.

Mr. Barrington said that while he was in Florida, a neighboring city, Lakeland was involved in a similar process and he saw it as being very successful. He said that at this stage there is no risk to the Town and it is worth taking the next step.

IV. OLD BUSINESSTown Manager's ReportPromotions

Chief Wrenn has announced the promotion of Dan Gidley as Police Lieutenant, and the assignment of Tom Gudatis as Detective.

First Half Tax Warrant

Tax Collector Joyce Sheehan reports that she will have the first half tax warrant ready for the Board to sign at the May 12 meeting. She expects to be sending the bills out shortly thereafter.

Police Facility

Mr. Barrington reported that the Town has received the wetlands permit for the police facility. Statements of qualification have been received for contractors and they will be reviewed on Wednesday morning to qualify a field of bidders for the actual construction bid process. The project is on target for a ground breaking in June.

District Court

Mr. Barrington told the Board that he would like to have a non-public meeting with the Board pursuant to RSA 91-A: 3 II (d). This would be specifically to discuss our negotiating position with the Court system on town owned property as a possible future site for the district court. Mr. Warburton asked if it would be appropriate to have this after the Board has met with Attorney Reams. The Board agreed and noted that Attorney Reams will be meeting with the Board at the next meeting.

Emergency Command Vehicle

The Town Manager reported that on Thursday, May 8th at 11:00 a.m., there will be a demonstration of a new emergency command vehicle similar to those the State is considering at Fire Station #2. Chief Lipe reports that the State is considering purchasing between 3 and 5 of these and the demonstration model is stopping here for a display on its way to a show in Plymouth.

Poster Contest

Project Impact will be hosting a poster contest for Marston and Sacred Heart students. Information is available at the schools and at the town office.

Mr. Sullivan stated that he saw an award that had been presented by Project Impact to an area business that had been signed by the Town Manager and the Project Impact Coordinator. He noted, as well that the recent emergency preparedness guide that was published made no reference to Hampton's Board of Selectmen.

Spring Cleanup

Spring cleanup will be the week of May 12 uptown and the week of May 19 at the Beach.

Street Sweeping

John Hangen reports that he is planning to have the lettered streets swept on Thursday and Friday of this week. He will have No Parking signs posted on the south side on Thursday and on the north side on Friday. The sweeping is expected to take place in the mornings, so any adverse impact on the businesses should be minimized.

Homeland Security Grants

Mr. Warburton noted that the Homeland Security grant that is available is for equipment upgrades. Mr. Barrington said that the town has filed a report that they do intend to apply for Hampton's share, which is based on population and Hampton has requested to be considered for additional funding if other town's do not apply for what has been allocated for them.

V. NEW BUSINESS

Tuck Road Access

Mr. Warburton said that the Board received a memo today from Attorney Gearreald in regard to the request received from residents to close off Tuck Road. Mr. Warburton said that the residents of Cogger Street and Tuck Road, represented by Mr. & Mrs. MacDonald and Mr. Marelli have an issue with people coming south on Route One to enter the Seacoast Health Center and exiting through Tuck Road as well as a problem with people going to the health facility via Tuck Road. Mr. Warburton said that there is a safety issue on that street because there are many families with young children in an area where many cars are utilizing that small street. Mr. Warburton said that it was his understanding that when this came up in 1999 the Planning Board agreed that the road would be discontinued after one year. Mr. Warburton said that during the summer flowerpots are put in that road to prevent traffic, which does help and the local residents do appreciate that. Mr. Warburton said that he wants the Board of Selectmen, if they can legally, go back to the Planning Board requesting relief. Mr. Warburton said that he feels the petitioner's have already done their fair share of work and he feels very strongly that this Board should not be liable for anything that might happen as a result of driving through that private drive area. Mr. Warburton said that he understands that the property is under new ownership and wonders if that changes any of the conditions.

Mr. Dan Trahan was present and thanked the Board for allowing him to speak, he said that Seacoast Health Center did recently merge with Haven Health, from Connecticut; he explained that he has retained a share of the ownership and still operates the facility. Mr. Trahan said that the issue of closing Tuck Road has come up many times during the construction processes and the Fire Department has been very clear that they did not want any type of gate or closure on that road. The Planning Board had agreed to look at the issue of the traffic on the street, one-year later, to determine if the traffic had been diverted, not to automatically close the road. Mr. Trahan said that during the approval process for the Partridge House, there was a traffic study done and it was determined that the road is used as a cut through by locals, including the residents of Tuck and Cogger Street. Mr. Trahan said that this is not a new issue, it has been happening since 1963 when the health center was first built. He said that he believes they are exceedingly good neighbors and do not complain about the children in the neighborhood that skateboard on their property and use the yard.

Mr. Warburton said that he agrees with the residents that there is a public safety issue in that area and he is trying to find out what this Board's next move should be to help out. Mr. Warburton said that Chief Lipe was adamant that the emergency vehicles do not use Tuck Road and he had no problem with the road being closed. Mr. Warburton asked if the matter has to go back to the Planning Board if both Chief Lipe and Chief Wrenn feel there is a safety issue. Mr. Sullivan said that emergency vehicles can't move the flowerpots but they can open a gate. Mr. Warburton said there are hundreds of cars through there each day and if something can be done that would not affect the Trahan's business and help the neighborhood he would like to do that. Mr. Pratt said that he feels strongly that it is a Planning Board issue and he would refer it to them for a resolution. Mrs. Bridle said that she would definitely refer it to the Planning Board and pointed out that there are safety issues all over town with children and streets.

Mr. Sullivan said that Attorney Gearreald has recommended that the Board of Selectmen stay out of it. Mr. Barrington confirmed that Attorney Gearreald has said that the Planning Board should be the one to handle it. Mr. Warburton agreed that it should go back to the Planning Board but he does not think it should be the petitioner's that bring it to the Planning Board. Mr. Workman said that he has a strong concern with the Board of Selectmen getting involved with Planning Board matters. Mr. Warburton said that Chief Lipe is willing to declare it a public safety issue and he may be able to close it on that basis. Mr. Sullivan said that the Planning Board is going to know that the Board of Selectmen has discussed this and that they would like to see it resolved.

Mrs. Bridle MOTIONED that the Board of Selectmen direct the petitioners to bring their concerns about Tuck Road to the Planning Board.

Mr. Warburton said that he would like to see Mr. Sullivan ask the Planning Board if they want to have the petitioners in to discuss this.

Mr. Sullivan said that he can mention that the Board has discussed this at the next Planning Board meeting without a vote from the Board.

NO SECOND

Mr. Pratt said that he does not think the Board of Selectmen should bring any matter to the Planning Board. Mr. Workman said that Attorney Gearreald has recommended that the Board of Selectmen not be involved and that any contact should be made by the petitioners. Mr. Workman said that there are many things that he would like to do as a Selectmen, but he understands that there are things that are not in their jurisdiction.

Mr. Warburton said that he has concerns with liability due to the safety concerns. Mr. Workman said that if the Board of Selectmen takes access away from a property, without due process, the town is open to liability.

Mr. Workman MOTIONED that the Board of Selectmen authorize the Chairman to send a letter to the residents' indicating that the Board of Selectmen recommends that they bring their concerns to the Planning Board.

Mrs. Bridle SECONDED

**VOTE: 4 FOR
1 OPPOSED(Warburton)**

Off premise signage for Act One Theater

Ms. Stephanie Nugent of *Act One*, the local summer theater troupe, is requesting permission to put off-premise signs out as they have for the past two years. Ms. Nugent explained that she would like to have the signs in place from June 30 to August 30 to provide directions to Winnacunnet High School, via Park Avenue.

Mrs. Bridle MOTIONED to authorize the placement of off-premise signs by Act One from June 30 to August 30.

Mr. Sullivan SECONDED

**VOTE: 4 FOR
1 OPPOSED (Workman)**

Mr. Workman asked which private property owners have been contacted for placement of signs. Mrs. Nugent said that last year they were asked to look into placing the signs on private property and they looked at the corner of Winnacunnet Road by the Galley Hatch but there was no private ownership and at Park Avenue and Winnacunnet Road there didn't seem to be any strong visibility from private property and no inquiries were made. Mrs. Bridle asked if the asbestos issue at the high school has been solved. Ms. Nugent said that it has been solved for this year, but next year they will be looking for an alternate location.

Mr. Workman said that he is opposed because he has an issue with public property being used for private purposes.

Destination Downtown

Mr. Sullivan told the Board that he received a request today from Jude Dion of the Chamber of Commerce and she apologized for not getting this material to the Board by the agenda deadline, but requested permission for "Destination Downtown" to install window boxes on the businesses in downtown that would extend approximately 8" over the sidewalk. The Chamber will be installing 15 flower boxes that will be maintained and watered through the season by Serenity Gardens.

Mr. Pratt MOTIONED to allow the installation of the planting boxes by Destination Downtown.

Mr. Sullivan SECONDED

VOTE: UNANIMOUS FOR

Editorial Response

Mr. Sullivan said that his first meeting as a Selectman was in March, 1999 and since that time there has been constant turmoil between individuals. He stated that he had support from the other Board members when he was chairman and he will support the current chairman. Mr. Sullivan said that recent editorials have raised concerns with Hampton's government and he emphasized that the government in Hampton is solid and if there is a problem, it is between personalities. Mr. Sullivan told the Board that he had been given the advice to "never pick a fight with people that buy ink in 55 gallon drums" and said that people in the public spectrum have to let go of any comments that are made in the media that they may not like. Mr. Sullivan said that the chairman represents the Board and cannot remove themselves from their title when they are speaking and when Mr. Warburton challenges local media he is still representing the Board. Mr. Sullivan said that the recent comments that were made in the Atlantic News and the Hampton Union were taken personally by Mr. Warburton and he feels that the Board needs to state that when the Chairman is representing the Board, he needs to do so representatively and objectionably.

Mr. Pratt said that it is hard to be criticized and not defend yourself, but Mr. Sullivan makes a valid point. The chairman is representing other people and it is important that it is done professionally. He said that in the month and half he has been on the Board he has spent a lot of time "putting out fires" that he does not think he should have had to. Mrs. Bridle said that in 1996 she came on the Board and she learned that the Board comes first and that the personalities are separate and need to be left outside the door in order for the Board to be successful. She said that the minute personalities get in the way, the Board is open to turmoil. Mr. Workman said that being part of public life requires one to develop a thick skin because every one has different opinions. Mr. Workman said that he has no issue with negative media reports, if factually things are correct. The issue he has with the media is when someone writes about something with wrong facts, as was done in the Hampton Union editorial on Friday. Mr. Workman stated that what matters at the end of the day are the people that see him and thank him for the work he is doing for the town.

Mr. Warburton said that this Board has received accolades for the way it has operated this term. He stated that since 1995 there hasn't been a public official that has been threatened or had more bad articles written about him than he has; and if anyone has thick skin in this town it is him, his family and friends. Mr. Warburton said that he has not gone after the media at meetings. He said that he has been the one that has been the biggest proponent of good relations with the media and noted that Shir Haberman is a good friend. Mr. Warburton said that he is criticized for being willing to share his thoughts with the public and added that he has been privy to whispers in rooms and back room comments made about him.

Mr. Warburton said that he is a very strong chairman and will work hard for this town. He agreed with Mr. Sullivan that public officials have to have thick skin and be able to relate to the people that they work with. Mr. Warburton said that he does not feel he has any relationship with the media now. He added that if people write facts about decisions he makes that is fine, and noted that what was written about him and the Hunter Rieseberg issue over the years was incorrect. He said that he had personal conversations with people from the Atlantic News and the Hampton Union this week and he has not shared that information with others. Mr. Warburton said that he will question the reporters in public if the character assassinations continue. He said that it is easy to say "have thick skin", but it is not easy to do when the articles are written about him. Mr. Warburton expressed concerns with the Board members for bringing this to his attention in public. Mr. Sullivan said that the newspapers and editorials were in public and he feels this should have been discussed in public. Mr. Sullivan said that the Board has done a lot of good things, but one mistake can wipe out a lot of good. Mr. Warburton said that he is disappointed in what Mr. Sullivan has done tonight, to bring a discussion about his behavior based on what someone told him. He explained that he spoke with two different reporters on two different days and told them that it was obvious that his opinion and actions do not matter and suggested that they feel free to contact other selectmen. Mr. Warburton said that he has a record of getting things done and finds it ludicrous that private conversations have taken place about this. He intends to continue to be the best chairman, set the agenda and continue to get things done without commenting on things that may take place during the year.

Mrs. Bridle said that no one Board member can pass anything or cause the creation of anything, all of the accomplishments have been by the Board and when we talk about them, the Board member should not take individual credit for any thing. Mr. Warburton said that he needs some guidance from the Board about whether they feel he can continue to do a good job as Chairman. Mr. Pratt said that he feels comfortable with Mr. Warburton as Chairman and explained that when he referred to “putting out fires” he was referring to some of the controversy that has not been needed. Mr. Warburton asked if there was anything specific. Mr. Pratt said that he feels Mr. Warburton reacts to quickly to things, such as was evident with the reaction to the articles written. Mrs. Bridle said that she has no problem with Mr. Warburton as chairman, but noted that she has had four phone calls in the past three weeks from people that felt he had reacted in a threatening manner. Mrs. Bridle said that she didn’t put much credence in the first call, but after the third call about the same thing from different people she felt there was reason to be concerned. Mrs. Bridle said that she believes Mr. Warburton’s passion for an issue sometimes gets ahead of his wisdom. Mr. Sullivan said that he hopes Mr. Warburton is chairman through March of 2004 and encouraged him to call Bill Wrenn Tuesday. Mr. Workman said that he got a call two weeks ago from a respected community member asking about his satisfaction with Mr. Warburton as chairman, And he responded that he was not unhappy. Mr. Workman told Mr. Warburton that he does not feel that there was any intent blindside him but did feel that it was important to share these thoughts with him.

VI. MINUTES

The minutes of April 28, 2003 were accepted as written.

VII. CONSENT AGENDA

- 1. Appointment of Library Trustee Alternates – Mary Lou Heron, Dot Gooby for one year terms

Mr. Sullivan MOTIONED that the consent agenda items be approved.

Mr. Workman SECONDED

VOTE: UNANIMOUS FOR

VI. ADJOURNMENT

Mr. Sullivan MOTIONED that the meeting be adjourned. (9:42 PM)

Mrs. Bridle SECONDED

VOTE: UNANIMOUS FOR

Chairman